

Appl. No. : 10/632,573  
Filed : August 1, 2003

### **REMARKS**

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

### **Amendments to the Claims and Specification**

Claims have been amended.

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

### **Newly Added**

No new claims have been added.

### **Claim Objections**

#### **Rejections under 35 U.S.C. §112**

The Examiner has rejected Claims 1-23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner rejected Claim 1 as indefinite because “said disinfectant article” lacks proper antecedent basis. Claim 1 has been amended to read “said disinfecting article” for proper antecedent basis.

The Examiner rejected Claim 1 as vague and indefinite because it does not recite the relationship of the elements. Claim 1 has been amended to clarify the relationship of the elements.

The Examiner rejected Claim 2 because “the absorbent carrier material” lacks proper antecedent basis. Claim 2 has been amended to provide proper antecedent basis.

The Examiner rejected Claim 3 as vague and indefinite because the Markush language is improper. Claim 3 has been amended to provide proper Markush language.

The Examiner rejected Claim 4 because “the aqueous disinfectant composition” lacks proper antecedent basis. Claim 4 has been amended to provide proper antecedent basis.

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The Examiner rejected Claim 6 because “compositions” lacks proper antecedent basis and for improper Markush language. Claim 6 has been amended to provide proper antecedent basis and proper Markush language.

The Examiner rejected Claims 7, 8, 11, 14, and 17-19 for employing improper Markush language. Claims 7, 8, 11, 14, and 17-19 have been amended to employ proper Markush language.

The Examiner rejected Claims 9, 10 and 19-20 because “the storage system” lacks proper antecedent basis. Claims 9, 10, 20-21 have been amended to provide proper antecedent basis.

The Examiner rejected Claim 12 because “said disinfectant article” lacks proper antecedent basis. Claim 12 has been amended to provide proper antecedent basis.

The Examiner rejected Claim 13 because “the absorbent carrier material” lacks proper antecedent basis. Claim 13 has been amended to provide proper antecedent basis.

The Examiner rejected Claim 15 because “the aqueous disinfectant composition” lacks proper antecedent basis. Claim 15 has been amended to provide proper antecedent basis.

The Examiner rejected Claim 22 because the claim employs improper Markush language and because “said package means” lacks proper antecedent basis. Claim 22 has been amended to provide proper Markush language and proper antecedent language.

The Examiner rejected Claim 23 because the phrase “or the like” and “such as” renders the claim(s) indefinite. Claim 23 has been amended to eliminate the alleged indefinite claim language.

The Examiner rejected Claim 23 under 23 U.S.C. 112, second paragraph, as being indefinite. Claim 23 has been amended to point out what is included and excluded.

Accordingly, the rejection of the claims under §112 should be reconsidered and withdrawn.

#### **Rejections under 35 U.S.C. §103(a)**

The Examiner has rejected Claims 1-5, 9-16, and 20-23 under 35 U.S.C. §103(a) as being unpatentable over Guthrie et al., WO 01/92633 A1 in view of Lister U.S. Patent No. 5,087,450 and Win et al., U.S. Patent No. 4,833,003.

The Examiner combines references Guthrie, Lister and Win. It is well settled that in order for references to be properly combined, there must be a teaching in at least one of the references to suggest that the disclosure of any of the other references could be modified to produce the Applicant’s claimed invention. *ACS Hospital System Inc. v. Montefiore Hospital et al.*, 221

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U.S.P.Q. 929 (Fed. Cir. 1984); *Orthopedic Equipment Co. v. U.S.*, 217 U.S.P.Q. 193 (Fed. Cir. 1983). Additionally, absent some suggestion or incentive, the teachings of references may not be combined. *ACS, supra*, 229 U.S.P.Q. at 933, *In re Rinehart*, 189 U.S.P.Q. 143 (C.C.P.A. 1976).

Guthrie teaches perforated sheets with tapered capillaries to control the release of a viscous liquid (page 2, lines 7-17). The wipe preferably comprises an absorbent core containing a viscous liquid (page 2, lines 18-22). The Examiner states that Guthrie teaches a preferred material that “is preferably effective over a wide range of temperatures to prevent premature release of fluid”. There is no suggestion or incentive in the teachings of Guthrie to achieve chemical stability of the composition rather than just absorbent stability of a viscous liquid.

Lister teaches a gauze pad impregnated with 10% sodium hypochlorite (col. 2, lines 54-59). The package prevents the loss or evaporation of the sodium hypochlorite that is impregnated in the gauze pad (col. 3, lines 10-12). There is no suggestion or incentive in the teachings of Lister to achieve chemical stability of the composition rather than just stability against leakage.

Win teaches wet wipes with liquid concentration stability from the top to the bottom of a stack of wipes (Abstract). The microfiber wipes of Win allow for increased wicking to combat the force of gravity which pulls the liquid composition to the bottom of a canister. There is no suggestion or incentive in the teachings of Win to achieve chemical stability of the composition rather than just stability against drying out. Accordingly, the objection to Claims 1-5, 9-16, and 20-23 is overcome and it is respectfully urged that it be withdrawn.

The Examiner has rejected Claims 6-8 and 17-19 under 35 U.S.C. §103(a) as being unpatentable over Guthrie et al., WO 01/92633 A1 together with Lister U.S. Patent No. 5,087,450 and Win et al., U.S. Patent No. 4,833,003 and further in view of Serego Allighieri et al., WO 99/52360. As stated above, there is no suggestion or incentive in the teachings of Guthrie, Lister, or Win to achieve chemical stability of the composition. Serego Allighieri teaches the addition of a pH buffer which resists pH changes in the composition (page 20). There is no suggestion or incentive in the teachings of Serego Allighieri to achieve chemical stability of the composition. Accordingly, the objection to Claims 6-8 and 17-19 is overcome and it is respectfully urged that it be withdrawn.

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**Rejection under Double Patenting**

The Examiner provisionally rejected Claims 1-23 under the doctrine of obvious-type double patenting as being unpatentable over claims 1-26 of copending Application No. 10/870,093. Once patentable subject matter is identified in the present patent application, Applicants will submit a Terminal Disclaimer to obviate this obviousness-type double patenting rejection.

**CONCLUSIONS**

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. If, however, some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

In view of the foregoing amendments and remarks, Applicants request entry of the amendments and reconsideration of the rejections. If some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including fees for additional extensions of time, or credit overpayment to Deposit Account No. 03 2270.

Respectfully submitted,  
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